

# **Appendix 11**

## **Concurrent Resolution – H.3914**



**South Carolina General Assembly**  
115th Session, 2003-2004

**H. 3914**

**STATUS INFORMATION**

Concurrent Resolution

Sponsors: Reps. Vaughn, Allen, Battle, Branham, Cato, Clyburn, Cooper, Gilham, Hamilton, Haskins, Herbkersman, J. Hines, Keegan, Leach, Littlejohn, Loftis, Mahaffey, Moody-Lawrence, Owens, Rice, Richardson, Sinclair, F.N. Smith, J.R. Smith, Taylor, Tripp, Wilkins and Young

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Introduced in the House on April 2, 2003

Introduced in the Senate on May 13, 2003

Last Amended on May 8, 2003

Adopted by the General Assembly on May 15, 2003

Summary: Ozone standard mandated by the federal government; General Assembly's support

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
4/2/2003	House	Introduced HJ-5
4/2/2003	House	Referred to Committee on <b>Agriculture, Natural Resources and Environmental Affairs</b> HJ-6
5/7/2003	House	Committee report: Favorable with amendment <b>Agriculture, Natural Resources and Environmental Affairs</b> HJ-8
5/8/2003	House	Amended HJ-105
5/8/2003	House	Adopted, sent to Senate HJ-105
5/13/2003	Senate	Introduced SJ-7
5/13/2003	Senate	Referred to Committee on <b>Medical Affairs</b> SJ-7
5/14/2003	Senate	Recalled from Committee on <b>Medical Affairs</b> SJ-4
5/15/2003	Senate	Adopted, returned to House with concurrence

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**VERSIONS OF THIS BILL**

[4/2/2003](#)

[5/7/2003](#)

[5/8/2003](#)

[5/14/2003](#)

1 RECALLED  
2 May 14, 2003  
3

## **H. 3914**

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5  
6 Introduced by Reps. Vaughn, Allen, Battle, Branham, Cato,  
7 Clyburn, Cooper, Gilham, Hamilton, Haskins, Herbkersman,  
8 J. Hines, Keegan, Leach, Littlejohn, Loftis, Mahaffey,  
9 Moody-Lawrence, Owens, Rice, Richardson, Sinclair, F.N. Smith,  
10 J.R. Smith, Taylor, Tripp, Wilkins and Young

11  
12 S. Printed 5/14/03--S.  
13 Read the first time May 13, 2003.

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9       **A CONCURRENT RESOLUTION**

10  
11 TO SUPPORT ACTIVITIES OF THE DEPARTMENT OF  
12 HEALTH AND ENVIRONMENTAL CONTROL IN THE  
13 ESTABLISHMENT AND IMPLEMENTATION OF THE  
14 STATE'S EARLY ACTION APPROACH FOR COMPLYING  
15 WITH THE NEW OZONE STANDARD MANDATED BY THE  
16 FEDERAL GOVERNMENT THROUGH THE FEDERAL  
17 ENVIRONMENTAL PROTECTION AGENCY; TO  
18 ESTABLISH DATES AND MILESTONES FOR PLAN  
19 IMPLEMENTATION; AND TO PROVIDE FOR THE  
20 ESTABLISHMENT OF AN INTERGOVERNMENTAL  
21 WORKGROUP FOR THE PURPOSE OF PROMOTING  
22 BEHAVIORS AND POLICIES TO REDUCE AIR POLLUTION  
23 THROUGHOUT THE STATE OF SOUTH CAROLINA.

24  
25 Whereas, air quality has an impact on the health, environment,  
26 economy, and quality of life of the citizens of South Carolina; and  
27

28 Whereas, ground-level ozone is a contributing factor to asthma  
29 attacks and approximately 204,000 adults and 77,000 children  
30 suffer annually from asthma in South Carolina; and  
31

32 Whereas, ground-level ozone reduces all species of agricultural  
33 yields, increases plant vulnerability to disease, pests, harsh  
34 weather, and other environmental stresses; and  
35

36 Whereas, ground-level ozone can be a limiting factor for new and  
37 expanding industry due to strict permitting requirements, which  
38 results in losses of capital investment and lost jobs and may  
39 dramatically effect the tourism industry in South Carolina; and  
40

41 Whereas, in 1997, EPA promulgated an 8-hour ozone standard to  
42 replace the 1-hour ozone standard in an effort to be more

1 protective of public health, resulting in a suit brought by the  
2 industry groups of several states; and  
3

4 Whereas, after the litigated issues since being resolved, EPA is  
5 ready to implement the new standard by a date no later than April  
6 2004; and  
7

8 Whereas, areas deemed by EPA as not attaining the standard will  
9 be, at a minimum, required to follow federal prescriptive programs  
10 such as non-attainment "New Source Review" which affects  
11 industrial permitting; and "Transportation Conformity" which  
12 could severely restrict federal fund expenditures for road and other  
13 transportation projects; and  
14

15 Whereas, the EPA has provided an option for areas like those in  
16 South Carolina to obtain cleaner air sooner than federally  
17 mandated and avoid the federal prescriptive measures by requiring  
18 an expeditious time line for achieving emissions reductions sooner  
19 than expected under the 8-hour ozone implementation rulemaking,  
20 and by providing "fail-safe" provisions for the areas to revert to the  
21 traditional State Implementation Plan (SIP) process if specific  
22 milestones are not met; and  
23

24 Whereas, on August 23, 2002, DHEC published in the State  
25 Register a Notice of Drafting regarding the development and  
26 implementation of such an early action SIP, then held six public  
27 meetings throughout the State during the month of October 2002,  
28 which included the general public, industry representatives,  
29 environmental interest groups, federal, state, and local government  
30 each of which has been and will continue to be involved in the  
31 planning process; and  
32

33 Whereas, as of December 31, 2002, forty-five counties, DHEC,  
34 and EPA have agreed to participate in the "Early Action Plan".  
35 Now, therefore,  
36

37 Be it resolved by the House of Representatives, the Senate  
38 concurring:  
39

40 (A) That the General Assembly declares that it is the policy of the  
41 State of South Carolina that the Department of Health and  
42 Environmental Control encourage voluntary compliance with  
43 Ozone Early Action Compacts, to include the local county

1 governments, DHEC, and the EPA as signatory parties, agreeing to  
2 work together to develop and implement local and state early  
3 action plans while actively involving the other stakeholders.

4  
5 (B) The General Assembly recognizes that, by signing the  
6 compacts, EPA is agreeing to not require participating areas to  
7 implement the federal measures previously mentioned. The key  
8 dates for this approach are to have an early action SIP to EPA by  
9 December 2004, necessary control measures in place by April  
10 2005, and measured ozone values that comply with the standard by  
11 December 31, 2007. If this is accomplished, the areas should be  
12 re-designated as attainment and no additional requirements should  
13 be imposed. However, areas that enter into the compact but do not  
14 meet all of the terms of the compact should forfeit participation  
15 and be subjected to any federal requirements for their area.

16  
17 (C) The General Assembly finds that it is critical that South  
18 Carolina demonstrate a leadership role for both the public and  
19 private sectors in developing and implementing proactive and  
20 innovative approaches to reduce emissions of ozone-forming air  
21 pollutants that will serve as a key component in the early actions  
22 State Implementation Plan.

23  
24 In order to provide the necessary leadership and to reduce the  
25 number of days when ozone levels are high thus reducing the  
26 health and environmental risks, the Department of Health and  
27 Environmental Control is encouraged to establish and implement  
28 innovative approaches to reduce ozone-forming air pollutants.  
29 These include but are not limited to:

30 (1) the creation and coordination of voluntary work groups  
31 of citizens, industry, and all governmental entities;

32 (2) the provision of educational opportunities such as  
33 workshops, printed material, and technical assistance aimed at  
34 reducing levels of ozone forming air pollutants; and

35 (3) the development of tools to be used by governmental  
36 entities as a reporting mechanism for initiatives implemented by  
37 the respective agency. The tools may include at a minimum, a  
38 listing of initiatives adopted/implemented by governmental entities  
39 to reduce emissions of ozone forming air pollutants. The  
40 information will be compiled by the department or an established  
41 work group and used as a key component of the 8-hour ozone early  
42 action State Implementation Plan.

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1 Be it further resolved that a copy of this resolution be forwarded to  
2 the Governor, Department of Health and Environmental Control,  
3 Environmental Protection Agency, and the associations  
4 representing counties and municipalities in the State.

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